UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,147	10/26/2001	Hung T. Nguyen	01-626	3563

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EXAMINER
MEONSKE, TONIA L

ART UNIT	PAPER NUMBER
2181	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/066,147	NGUYEN, HUNG T.
	Examiner	Art Unit	
	Tonia L. Meonske	2181	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _25 August 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 7-05)   Office Action Summary   Part of Paper No./Mail Date 110305

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Witt et

al., US Patent 5,651,125 (herein referred to as Witt).

3.   The rejections are respectfully maintained and incorporated by reference as set forth in

the last office action, mailed on June 16, 2005.

Response to Arguments

4.   Applicant's arguments filed August 25, 2005 have been fully considered but they are not

persuasive.

5.   On page 7-9, Applicant argues in essence:

> *"Specifically, with respect to claims 1, 8, 15, Witt fails to teach or suggest queuing logic, in which instructions and instruction type information are stored in an order based on a priority of the instructions. ... Witt only teaches storing the opcode. In the very passage of Witt relied upon by the Examiner to anticipate this element, Witt teaches that the instruction is not stored after it is decoded. Specifically, Witt states at column 13, line 49-51, "[w]hen a particular instruction is decoded by decoder 210, decoder 210 sends the OP CODE of the decoded instruction to the appropriate functional unit..."*
> *Continuing at column 14, lines 6-11, Witt states: With respect to the ADD opcode in the present example, one of the functional units, namely the arithmetic logic unit (ALU) in integer core 215 will recognize the opcode type and latch in its reservation station 220 the information including opcode, A operand tag, A operand (if available), B operand tag, B operand (if available) and destination tag. These passages only teach storing of the opcode by the queuing logic. There is no express or inherent teaching in these passages cited by the examiner, nor in any passage the Applicant can identify, of queuing logic, in which the instruction and the opcode are stored in an order based on a priority of the instructions, as recited in Claim 1."*

However, Witt has taught "queuing logic, in which said instructions and said instruction type information are stored in an order based on a priority of the instructions". An instruction, or instruction word, is defined by the Microsoft Computer Dictionary, fourth edition, as "A machine language instruction containing and operation code identifying the type of instruction, possibly one or more operands specifying data to be affected or its address, and possibly bits used for indexing or other purposes." The reservation stations of Witt do in fact store an instruction, i.e. the opcode (column 14, lines 9-11) and one or more operands specifying data to be affected (column 14, lines 9-12, A operand tag, A operand, B operand tag, B operand, destination tag) (column 15, lines 1-7). Witt also specifically states that the instructions are contained IN the reservation stations (column 49, lines 6-14, column 14, lines 64-66). So Witt has in fact taught "queuing logic (column 49, lines 6-14, The reservation station, which contains the FIFO, is the queuing logic.), in which said instructions (column 14, lines 9-12, column 15, lines 1-7, opcode, A operand tag, A operand, B operand tag, B operand, destination tag) and said instruction type information (column 14, lines 9-12, column 15, lines 1-7, opcode) are stored in an order based on a priority of the instructions (column 49, lines 6-14, Instructions are stored in the reservations station where priority is determined by age.)." Therefore this argument is moot.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tonia L. Meonske whose telephone number is (571) 272-4170. The examiner can normally be reached on Monday-Friday, with every other Friday off.

7.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (571) 272-4083. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

tlm

WILLIAM M. TREAT
PRIMARY EXAMINER